

2018-07-24

OBJECTS AND REASONS

This Bill would amend the *Barbados Water Authority Act, Cap. 274A* to make provision for the charging and collection of a garbage and sewage contribution levy.

Arrangement of Sections

1. Short title
2. Amendment of section 5 of Cap. 274A
3. Insertion of section 5A into Cap. 274A
4. Amendment of section 19 of Cap. 274A
5. Insertion of Part VA into Cap. 274A
5. Insertion of Part VIA into Cap. 274A
6. Amendment of Schedule to Cap. 274A

SECOND SCHEDULE

Constitution of Garbage and Sewage Contribution Relief Board

BARBADOS

A Bill entitled

An Act to amend the *Barbados Water Authority Act*, Cap. 274A to make provision for the charging and collection of a garbage and sewage contribution levy.

ENACTED by the Parliament of Barbados as follows:

Short title

1. This Act may be cited as the *Barbados Water Authority (Amendment) Act, 2018*.

Amendment of section 5 of Cap. 274A

2.(1) Section 5 of the *Barbados Water Authority Act, Cap. 274A*, in this Act referred to as the principal Act, is amended

- (a) by renumbering that section as subsection (1); and
- (b) by inserting the following as subsection (2):

“(2) The Authority shall

- (a) collect on behalf of any company, statutory corporation, business or other commercial entity any monies due and payable to those entities and pay over or transfer to those entities the monies collected on their behalf subject to a deduction therefrom of a commission or processing fee payable to the Authority for such collection; and
- (b) utilise any new or existing manual system or electronic platform to effect the collection and transfer of the monies to the entities referred to in paragraph (a).”.

Insertion of section 5A into Cap. 274A

3. The principal Act, is amended by inserting immediately after section 5 the following:

“Display of garbage and sewage contribution levy on bills

5A. The Authority shall

- (a) display and charge on its water and service bills a garbage and sewage contribution levy at the rate set out in Part VA; and
- (b) collect the levy and pay the portion set out in Part VA to the Sanitation Service Authority.”.

Amendment of section 19 of Cap. 274A

4. Section 19 of the principal Act is amended by deleting subsection (1) and substituting the following:

“(1) The funds of the Authority consist of such amounts

- (a) as may be voted for the purpose by Parliament;
- (b) as accrue from the operations of the Authority;
- (c) as accrue from the collection of the garbage and sewage contribution levy;
- (d) as accrue to the Authority by virtue of its functions set out in section 5 (2); and
- (e) as the Authority borrows or as become available from sources approved by the Minister, other than those referred to in paragraphs (a), (b), (c) and (d).”.

Insertion of Part VA into Cap. 274A

5.(1) The principal Act is amended by inserting immediately after Part V the following:

“PART VA

GARBAGE AND SEWAGE CONTRIBUTION LEVY

Interpretation

21A. For the purpose of this Act,

“commercial consumer” includes a business, an industrial or farming activity, a government office, a school, ship, hotel, apartment and guest house;

“domestic consumer” means a consumer of water for residential purposes.

Purpose of this Part

21B. The purpose of this Part is to provide for the charging and collection of a garbage and sewage contribution levy pursuant to the Budgetary Proposals of 11th June, 2018.

Rate of Levy

21C. The garbage and sewage contribution levy shall be at the rate set out in section 21D or such other rate as the Minister of Finance by order prescribes.

Imposition of the garbage and sewage contribution levy

21D.(1) With effect from 1st August, 2018 every domestic consumer and every commercial consumer of water supply services shall pay to the Authority a garbage and sewage contribution levy.

(2) The amount of the levy shall be displayed as a separate item on the water and services bills rendered by the Authority to domestic and commercial consumers.

- (3) The amount of the levy payable by a domestic consumer shall be \$1.50 per day.
- (4) Where a domestic consumer pays the levy specified in subsection (3)
 - (a) the Authority shall retain an amount equal to 25 cents per day per consumer or a total amount of \$7.50 per month per consumer and shall apply and use this amount towards the operational costs of the sewage system maintained by the Authority; and
 - (b) the Authority shall pay the remaining \$1.25 per day per consumer or a total amount of \$37.50 per month per consumer to the Sanitation Service Authority, to be applied and used by that Authority to perform the function of removing refuse from premises.
- (5) The amount of levy payable by a commercial consumer shall be 50 per cent of the amount shown on the water and services bill as due and owing for the supply of water services per month.
- (6) Where a commercial consumer pays the levy specified in subsection (5),
 - (a) the Authority shall retain 50 per cent of the amount paid and shall apply this amount towards the maintenance and operational costs of the sewage system; and
 - (b) the Authority shall pay the remaining 50 per cent to the Sanitation Service Authority to be applied and used by that Authority towards performing the function of removing refuse from premises.
- (7) The Minister may by Order specify the maximum amount of the levy payable by a commercial customer in any billing cycle.
- (8) The Authority shall use a 30 day billing cycle.

Monies not paid to the Authority by domestic or commercial consumers

- 21E.** Where the Authority issues a monthly water and service bill
- (a) to a domestic consumer and the bill is not paid in full, the Authority shall
 - (i) deduct an amount of \$7.50 as a first claim on the monies paid; and
 - (ii) share equally with the Sanitation Service Authority 50 per cent of the amount remaining, provided that the Sanitation Service Authority shall not, in any single month, receive more than \$37.50 in respect of a single domestic consumer; or
 - (b) to a commercial consumer and the bill is not paid in full, the Authority shall share such amount as is paid equally with the Sanitation Service Authority provided that the Sanitation Service Authority shall not in any one month, receive more than 50 per cent of the maximum amount of the levy as prescribed by the Minister under section 21D(7).”.

Insertion of Part VIA into Cap. 274A

- 5. The principal Act is amended by inserting immediately after Part VI the following:**

“PART VIA

RELIEF FROM GARBAGE AND SEWAGE CONTRIBUTION
LEVY

Establishment of a Relief Board

25A.(1) There is established a Garbage and Sewage Contribution Relief Board.

(2) The provisions of the *Second Schedule* shall have effect in relation to the constitution of the Board and otherwise in relation thereto.

Application for relief

25B.(1) A domestic or commercial customer who is liable to pay the garbage and sewage contribution levy may apply to the Relief Board in the prescribed form and manner and within the prescribed time for a relief certificate

- (a) where the domestic customer is in need by reason of his being prevented by some disability from earning a living, or who has insufficient resources to maintain himself and is unable to find work, or is declared a bankrupt or is a pensioner; or
- (b) where a commercial customer has made a compromise with creditors or is insolvent or has ceased to carry on business.

(2) Subject to subsection (3), on receipt of an application for a relief certificate, the Relief Board shall determine whether or not a certificate ought to be granted having regard to all of the circumstances of the case.

- (3) The Secretary to the Relief Board shall, on receipt of an application for a relief certificate
- (a) satisfy himself as to the accuracy of the information contained therein;
 - (b) enquire into the circumstances of the applicant;
 - (c) prepare a report on the application; and
 - (d) immediately forward the duplicate copy of the application together with the report referred to in paragraph (c) and a recommendation to the Chairman and members of the Relief Board.

Power of Relief Board

25C.(1) The Relief Board may, by notice in writing, require an applicant for a relief certificate to attend the Relief Board and give evidence in relation to the application.

(2) Where the Relief Board is satisfied that a relief certificate should be granted to an applicant, it shall determine the amount or percentage by which the garbage and sewage contribution levy shall be reduced and shall grant a relief certificate accordingly.

(3) A relief certificate granted pursuant to subsection (2) shall be in such form as the Relief Board determines and shall be sufficient evidence for the Authority to make such adjustments to the garbage and sewage contribution levy payable as are authorised by the certificate.

Appeal from decision of the Relief Board

25D.(1) Where an applicant for a relief certificate is dissatisfied with the decisions of the Relief Board on his application, he may within 21 days of such decision appeal in writing to the Minister, stating as far as possible the grounds in support of the appeal.

(2) The decision of the Minister upon an appeal made under subsection (1) is final.

Effect and duration of relief certificate

25E.(1) A relief certificate shall, unless the Relief Board or Minister, as the case may be, otherwise determines and so states therein, have effect from the date on which the amount payable as garbage and sewage contribution levy first becomes payable.

(2) Subject to this section, a relief certificate shall, unless revoked in accordance with section 25F, continue in force for such period as the Relief Board or Minister determines.

(3) A relief certificate shall not be transferable and shall cease to have effect as soon as the person to whom it is granted dies; but in such event, the certificate may be transferred by the Relief Board to the legal personal representative of the deceased upon application made to the Relief Board for that purpose.

(4) Where a relief certificate originally granted by the Relief Board ceases to have effect under subsection (3), any person who is liable to pay the garbage and sewage contribution levy may apply in the prescribed manner and within the prescribed time to the Relief Board for a new relief certificate.

(5) Where, on an application made under subsection (4), the Relief Board is satisfied that a new relief certificate should be granted, the Relief Board may grant a new relief certificate which shall have effect from the date of cessation of the original relief certificate.

Revocation and cancellation of relief certificate

25F.(1) Where the circumstances giving rise to the grant of a relief certificate have changed, in the opinion of the Relief Board, it may in writing revoke the relief certificate and notify the Authority accordingly.

(2) A relief certificate revoked in accordance with subsection (1) shall cease to have effect from the billing date immediately following the date of revocation.

(3) Where the Relief Board is satisfied that the grant of a relief certificate was obtained by fraud or the suppression of material evidence, the Relief Board may, by notice in writing to the applicant, cancel the certificate and thereupon the garbage and sewage contribution levy shall be payable as if the relief certificate had never been granted.

Offence

25G. A person who knowingly makes an application under this Part that is false in any material particular is guilty of an offence and is liable on summary conviction to a fine of \$1 000 or to imprisonment for 12 months or both.”.

Amendment of Schedule to Cap. 274A

6. The Schedule to the principal Act is amended by

- (a) renumbering that *Schedule* as the *First Schedule*; and
- (b) inserting the following *Schedule* as the *Second Schedule* immediately after the *First Schedule* as renumbered by paragraph (a).

SECOND SCHEDULE

(Section 25A)

Constitution of Garbage and Sewage Contribution Relief Board

- 1.(1) The Relief Board shall consist of a Chairman and 6 other persons appointed by the Minister, one of whom shall be the General Manager of the Authority or his nominee.
 - (2) The Minister may appoint a person to act temporarily in place of any member of the Relief Board in the case of the absence or inability of such member to act.
 - (3) Every member of the Relief Board shall hold office for a term of 3 years unless he dies, resigns or is removed from office by the Minister for cause, before the end of that term, but
 - (a) a member who is appointed to fill a vacancy created by the death, resignation or removal from office for cause, of a former member shall hold office only for the unexpired portion of the term of that former member; and
 - (b) every member is eligible for re-appointment for a further term.
 - (4) The Minister may grant leave of absence to a member of the Relief Board and may appoint a person to act in the place of that member.
 - (5) A member of the Relief Board may at any time resign his office by instrument in writing addressed to the Minister and in the case of a member other than the Chairman, transmitted through the Chairman; and from the date of the Minister receiving the instrument the member shall cease to be a member of the Relief Board.
- 2.(1) 3 members of the Relief Board, including the Chairman, shall constitute a quorum.

- (2) Decisions of the Relief Board shall be by majority of votes, and where the voting is equal the Chairman shall have a casting vote.
- (3) The Relief Board shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall be at such places and times and on such days as the Relief Board determines.
- 3.** The Chairman shall preside at the meetings of the Relief Board.
- 4.** Subject to this Schedule, the Relief Board may regulate its own proceedings.
- 5.** The Authority shall assign a member of its staff to perform the functions of Secretary to the Relief Board.
- 6.** All documents made by, and all decisions of the Relief Board may be signified under the hand of the Chairman or any member of the Relief Board authorised to act in that behalf, or by the Secretary of the Relief Board.